IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

**APPEAL NO.1251 OF 1999**
**IN**
**ARBITRATION PETITION NO. 203 OF 1999**

M/s. Index Financial ..Appellant
V/s
Rambharaos Malani & Ors. ..Respondents.

Mr. Jaydeo Trivedi i/b M.M. Vashi, for the appellant.

Mr. Bharat Vaishnava for respondents.

**CORAM : R.M.S.KHANDEPARKAR AND**
**D.G.KARNIK, JJ**

**DATE : 27TH JUNE , 2007.**

P.C.

. Appeal already stands disposed of as withdrawn in terms of order dated 6th June, 2007. The learned advocate appearing for respondents states that pursuant to the order dated 22nd December, 1999 passed in that appeal at the time of admission of the appeal, the appellant was directed to deposit the decretal amount and the respondents were allowed to withdraw the same by furnishing security. He further states that the appellant had accordingly deposited the decretal amount and the respondents had withdrawn the same on furnishing the bank guarantee and the said bank guarantee is still

alive and in view of the withdrawal of the appeal the respondents request for discharge of bank guarantee. The learned advocate appearing for the appellant states that appellant has no objection for allowing such request. Accordingly, the bank guarantee furnished by the respondents in terms of order dated 22nd December, 1999 stands discharged. It has also been stated that some decretal amount deposited by the appellant is lying in the Registry. In case, such amount is still lying in the Registry, either invested or otherwise, the same shall be released in favour of the respondents with interest accrued, if any.

**(R.M.S. KHANDEPARKAR, J.)**

**(D.G. KARNIK, J.)**